



COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.E./D.T.C. 02-8

September 29, 2016

Investigation by the Department of Telecommunications and Energy on its own motion, pursuant to G.L. c. 159, §§ 12 and 16, into the collocation security policies of Verizon New England Inc. d/b/a Verizon Massachusetts

ORDER ON MOTION

I. Introduction and Procedural History

In this Order, the Department of Telecommunications and Cable (“Department”) grants a Verizon New England Inc. d/b/a Verizon Massachusetts (“Verizon”) Motion to Modify the Annual Incident Reporting Requirement (“Motion”) in this proceeding.¹ On May 25, 2005, the Department established a requirement that Verizon provide the Department with an annual summary of security-related incidents involving Verizon’s Massachusetts central offices. *See Investigation by the Dep’t of Telecomms. & Energy on its own motion, pursuant to G.L. c. 159, §§ 12 & 16, into the collocation sec. policies of Verizon New England Inc. d/b/a Verizon Mass., D.T.E. 02-8, Order (May 25, 2005) (“02-8 Final Order”).* Verizon’s Motion asks the Department to amend this reporting requirement so that Verizon is only required to file a summary report when a security-related incident occurs in the preceding calendar year. Motion at 1, 2. Verizon’s Motion is unopposed.² For the reasons and in the manner set forth below, the Department grants the Motion.

¹ This Order is limited to Verizon’s reporting requirements established in this proceeding with respect to calendar years in which no security-related incident occurs at a Verizon central office. This Order should not be construed to affect any other Verizon security-related requirements, reporting or otherwise, established in this or other Department proceedings.

² Verizon served a copy of its Motion on the service list in this proceeding via e-mail. Given the lack of prejudice to the parties, both in receiving only electronic copies and as described *infra*, and for purposes of administrative expediency, the Department, on its own motion, waives for good cause, to the extent necessary, the requirements of 220 C.M.R. § 1.05(1)(a) with respect to the Motion. *See* 220 C.M.R. § 1.01(4).

II. Analysis and Findings

Verizon asks the Department to modify its security-related incident reporting requirement so that Verizon is only required to file a report when a security-related incident occurs in the preceding calendar year rather than being required to file reports indicating that no security-related incidents have occurred. *Id.* at 1. As support for its Motion, Verizon states that only a very small number of security-related incidents have occurred at Verizon Massachusetts central offices since the annual reporting requirement went into effect in 2005. *Id.* at 1-2. As a result, Verizon argues, there is no longer a need to file an annual report. *Id.* at 1. The Department grants Verizon's Motion as described herein.

The Department consistently seeks to eschew and reduce unnecessary regulatory burdens, consistent with the public interest. In particular, the Department has a history of removing and rejecting requirements that are redundant or superfluous. *See, e.g., Petition of Sprint Commc'ns Co. L.P., pursuant to Section 252(b) of the Telecomms. Act of 1996, for arbitration of an interconnection agreement between Sprint & Verizon New England, Inc. d/b/a Verizon-Mass., D.T.E. 00-54-A, Order on Sprint's Motion for Reconsideration* at 30 (May 3, 2001) (declining to adopt requirements that, despite being in accordance with the law, are redundant); *Investigation by the Dep't on its own motion as to the propriety of the rates & charges set forth in the following tariffs: M.D.T.E. Nos. 14 & 17, filed with the Dep't on Aug. 27, 1999, to become effective on Sept. 27, 1999, by New England Tel. & Tel. Co. d/b/a Bell Atl.-Mass., D.T.E. 98-57, Order* at 24 (Mar. 24, 2000); *Investigation by the Dep't on its own motion into IntraLATA & Local Exch. Competition in Mass., D.P.U./D.T.E. 94-185-C, Order* at 9-10 (Dec. 17, 1997); *Investigation by the Dep't of Pub. Utils. on its own motion as to the propriety of the rates & charges set forth in the following tariffs: M.D.P.U. Nos. 944 through 970, filed with the Dep't on*

May 17, 1996, to become effective June 1, 1996, by Boston Gas Co.; & investigation of the proposal of Boston Gas Co. to implement performance-based ratemaking, & a plan to exit the merch. function, D.P.U. 96-50-C (Phase I), Order at 92 (May 16, 1997); Investigation by the Dep't of Pub. Utils. on its own motion as to the propriety of the rates & charges set forth in the following tariffs: M.D.P.U. Nos. 944 through 970, filed with the Dep't on May 17, 1996, to become effective June 1, 1996, by Boston Gas Co.; & investigation of the proposal of Boston Gas Co. to implement performance-based ratemaking, & a plan to exit the merch. function, D.P.U. 96-50 (Phase I), Order at 384, 385 n.166 (Nov. 29, 1996); Investigation by the Dep't of Pub. Utils. on its own motion into the availability & proper rate for interruptible transp. offered by local distrib. cos. within the Commonwealth & related issues pertaining to local distrib. cos.' release of capacity in the interstate pipeline sys., D.P.U. 93-141-A, Order at 55 (Feb. 14, 1996).

The Department acknowledges Verizon's assertions that the recent years in which no security-related incidents occurred are evidence that Verizon's security measures are appropriate and reasonable. *See* Motion at 1-2 (stating that there were no security-related incidents at Verizon Massachusetts central offices in 2009, 2010, 2011, 2014, or 2015). More to the point for purposes of Verizon's Motion, however, granting the Motion would eliminate only Verizon's obligation to file reports for calendar years in which no security-related incidents occurred. For such years, the Department would be notified that no security-related incidents occurred by virtue of Verizon not filing a report. Granting of the Motion thus would eliminate a superfluous reporting requirement, and would not prejudice the parties, the public, or the Department in any way.

Importantly, when there is a security-related incident at a Verizon Massachusetts central office, Verizon will continue to be required to report it to the Department. *See* 02-8 Final Order.

Specifically, if a security-related incident occurs at a Verizon Massachusetts central office, Verizon will continue to be required to report the location of the central office involved; the date of the incident; a description of the incident; whether local police or other law enforcement were called to investigate the incident; and whether there have been other security violations at that central office, and if so, the dates of prior incidents. *Id.* at 37-38. In addition, for central offices that have recurring security-related incidents, Verizon will continue to be required to detail the steps it has taken to improve security at the particular central office to prevent further incidents. *Id.* at 38.

Given these continued reporting obligations, the redundancy of the reports from which Verizon is requesting relief, and that the Motion is unopposed, there is no prejudice to the parties, the public, or the Department in granting Verizon's Motion in the manner described herein. The Department therefore relieves Verizon of the requirement that the company file a collocation incident report for calendar years in which no security-related incidents occurred. Going forward, Verizon will be required to file a collocation incident report only for calendar years in which a security-related incident occurred.

III. ORDER

Accordingly, after notice and due consideration, it is:

ORDERED: That Verizon's Motion to Modify the Annual Incident Reporting Requirement is GRANTED in the manner described herein; and it is

FURTHER ORDERED: That Verizon comply with the Department reporting requirements contained herein.

By Order of the Department,



Karen Charles Peterson
Commissioner

RIGHT OF APPEAL

Pursuant to G.L. c. 25, § 5 and G.L. c. 166A, § 2, an appeal as to matters of law from any final decision, order or ruling of the Department may be taken to the Supreme Judicial Court for the County of Suffolk by an aggrieved party in interest by the filing of a written petition asking that the Order of the Department be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Department within twenty (20) days after the date of service of the decision, order or ruling of the Department, or within such further time as the Department may allow upon request filed prior to the expiration of the twenty (20) days after the date of service of said decision, order or ruling. Within ten (10) days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court for the County of Suffolk by filing a copy thereof with the Clerk of said Court.